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| 10/086,270 | 02/28/2002 | Edward Moseley | ADAPP227 | 4039 |
| 25920 7590 07/26/2007 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085 | | | EXAMINER ELAHEE, MD S | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/086,270

Applicant(s)

MOSELEY, EDWARD

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 05/04/2007. Claims 1,3-14 and 16-23 are pending. Claims 2, 15, 24 and 25 have been previously cancelled.

Response to Arguments

2. Applicant's arguments filed on 05/04/2007 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 1, 3, 5, 7-14, 17, 18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edinger et al. (U.S. 2002/0194047) in view of Thomson et al. (U.S. Pub. No. 2003/0061104).

Regarding claim 1, with respect to Figures 1-3, Edinger teaches a method of determining a support entitlement level comprising:

receiving a product support request from a customer (fig.1, item 1), wherein the product support request relates to a product manufactured by a receiving party (abstract; page 1, paragraph 0015, page 3, paragraphs 0077, 0078, page 4, paragraph 0090);

Edinger further teaches receiving a service request ID [i.e., technical support identification (TSID)] from the customer including establishing a data communication with the customer's product unit and automatically interrogating the product unit to identify the TSID for the product unit (page 4, paragraphs 0087, 0090, 0098, page 5, paragraph 0118) (Note; Since the customer can get help from provider's website through online (see paragraph 0098), whenever system prompts (e.g., DIALOG) the customer (see paragraphs 0118-0119), the system must interact with customer's unit interface. Therefore, it is inherent that the system automatically interrogating the unit to identify the TSID for the unit.);

Edinger further teaches wherein at least one of a plurality of aspects of the unit is stored in a computer retrievable location in the unit (page 3, paragraphs 0049, 0053).

Edinger further teaches validating the TSID (page 5, paragraph 0123, page 6, paragraph 0170);

Edinger further teaches classifying the valid TSID as an unqualified [i.e., illicit] TSID classification, if a unit corresponding to the TSID is identified as a unqualified product unit

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including identifying the unqualified product unit in at least one database (page 5, paragraph 0125, page 6, paragraphs 0126, 0154, 0170, 0171, page 7, paragraph 0173, page 17, paragraph 0458);

Edinger further teaches assigning at least one of a plurality of support levels to the classified TSID wherein the assigned support level corresponds to the TSID classification and wherein the TSID is received, validated, classified and the support level assigned before an agent is notified of the product support request (page 4, paragraph 0098, page 5, paragraph 0125, page 7, paragraph 0173, page 11, paragraph 0290);

Edinger further teaches enabling delivery of the assigned support level including notifying the customer that the product unit is illicit and terminating [i.e., denying] all product support, reporting at least one of the customer or the source of the counterfeit product unit and blocking access to an agent (page 5, paragraph 0125, page 7, paragraph 0173, page 9, paragraph 0240, page 11, paragraph 0290, page 17, paragraph 0449); and

Edinger does not specifically teach classifying the valid TSID as an illicit TSID and the unqualified product unit is a counterfeit product unit. Thomson teaches classifying the valid TSID as an illicit TSID and the unqualified product unit is a counterfeit product unit (abstract, fig.3A; page 2, paragraphs 0018-0020). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger to classifying the TSID as an illicit TSID classifying the valid TSID as an illicit TSID and the unqualified product unit is a counterfeit product unit in Edinger's invention as taught by Thomson. The motivation for the modification is to have doing so in order to prevent illegal use of warranty for a product.

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Regarding claims 3 and 8, Edinger teaches receiving at least one of a plurality of aspects of a unit from the customer (page 6, paragraph 0128, page 7, paragraph 0173); and

retrieving the TSID from at least one of a plurality of databases, wherein the retrieved TSID matches at least one of the plurality of aspects of the unit in the at least one of the plurality of databases (page 2, paragraph 0027, page 4, paragraphs 0086, 0099, page 5, paragraph 0123, page 7, paragraph 0173).

Regarding claim 5, Edinger teaches that the TSID is numeric (page 3, paragraph 0040).

Regarding claim 7, Edinger teaches classifying the valid TSID as a contract TSID if the TSID identifies at least one of a group consisting of a first support contract and a unit assigned to a second support contract (page 7, paragraph 0173); and

assigning at least one of a plurality of support levels to the classified TSID includes assigning an authorized support level to the contract TSID (page 4, paragraph 0098, page 5, paragraph 0125, page 7, paragraph 0173, page 11, paragraph 0290).

Regarding claim 9, Edinger teaches an email support level, an OEM support level (page 4, paragraphs 0090, 0098).

However, Edinger in view of Thomson does not specifically teach “an end of life support level, a knowledge base support level and an illicit product support level”. However, Examiner takes Official Notice that an end of life support level, a knowledge base support level and an illicit product support level are well known in the art. Thus, it would have been obvious to one of

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ordinary skill in the art the time the invention was made to incorporate a plurality of support levels in order to handle incoming telephone calls so that the different types of need of customer is met efficiently.

Regarding claim 10, Edinger does not specifically teach “classifying the TSID as an original equipment manufacturer (OEM) TSID if the TSID is associated with a unit having an OEM distribution channel in at least one of the plurality of databases”. Thomson teaches classifying the TSID as an original equipment manufacturer (OEM) TSID if the TSID is associated with a unit having an OEM distribution channel in at least one of the plurality of databases (abstract; fig.3A; page 2, paragraphs 0018-0021). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger to classify the TSID as an original equipment manufacturer (OEM) TSID if the TSID is associated with a unit having an OEM distribution channel in at least one of the plurality of databases as taught by Thomson. The motivation for the modification is to have doing so in order to provide warranty information for a particular product.

Regarding claim 11, Edinger does not specifically teach “classifying the OEM TSID as an illicit TSID if the customer obtained the unit from a source other than the OEM distribution channel”. Thomson teaches classifying the OEM TSID as a fraud [i.e., illicit] TSID if the customer obtained the unit from a source other than the OEM distribution channel (page 2, paragraph 0018, page 7, paragraph 0100). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger to classify the OEM TSID

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as an illicit TSID if the customer obtained the unit from a source other than the OEM distribution channel as taught by Thomson. The motivation for the modification is to have doing so in order to detect whether warranty claim for a particular product is fraud.

Regarding claim 12, Edinger does not specifically teach “classifying the TSID as an illicit TSID includes identifying the source of the counterfeit product unit”. Thomson teaches classifying the TSID as an illicit TSID includes identifying the source of the counterfeit product unit (abstract; fig.3A; page 2, paragraphs 0018-0020). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger to classifying the TSID as an illicit TSID includes identifying the source of the counterfeit product unit in Edinger’s invention as taught by Thomson. The motivation for the modification is to do so in order to prevent illegal use of warranty for a product from a particular source.

Regarding claim 13, Edinger does not specifically teach “the counterfeit product unit is at least one of a misrepresented product unit, an illegal duplicate of the product unit, an illegal duplicate installation of the product unit, a product unit that was improperly sold from the OEM channel”. Thomson teaches the counterfeit product unit is at least one of a misrepresented product unit, an illegal duplicate of the product unit, an illegal duplicate installation of the product unit, a product unit that was improperly sold from the OEM channel (page 2, paragraph 0018, page 7, paragraph 0100). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger to incorporate the counterfeit product unit as at least one of a misrepresented product unit, an illegal duplicate of the product unit, an

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illegal duplicate installation of the product unit, a product unit that was improperly sold from the OEM channel in Edinger's invention as taught by Thomson. The motivation for the modification is to have doing so in order to notify whether a particular product ID is illegal.

Claim 14 is rejected for the same reasons as discussed above with respect to claims 1 and 3. Furthermore, Edinger teaches the customer's OS is one of the plurality of aspects of the unit (page 3, paragraph 0042).

However, Edinger does not specifically teach "the unit corresponds to the TSID". Thomson teaches that the unit corresponds to the demographic [i.e., TSID] (page 2, paragraph 0018, page 7, paragraph 0100). (Note; reporting is inherent) Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger to report the illicit TSID as taught by Thomson. The motivation for the modification is to have doing so in order to receive identification for a particular product.

Regarding claim 17, Edinger teaches creating a new incident record, determining if there is an open incident record associated with the TSID (page 5, paragraph 0123).

However, Edinger in view of Thomson does not specifically teach "retrieving the open incident record if the open incident is associated with the TSID and outputting the new incident record and the open incident record to the agent". However, Examiner takes Official Notice that retrieving the open incident record if the open incident is associated with the TSID and outputting the new incident record and the open incident record to the agent are well known in the art. Thus, it would have been obvious to one of ordinary skill in the art the time the invention

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was made to incorporate retrieving the open incident record if the open incident is associated with the TSID and outputting the new incident record and the open incident record to the agent in order to monitor the status of a problem associated with a product and provide extra care to resolve it.

Claim 18 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Edinger teaches a management model [i.e., automated call distributor (ACD)], wherein the ACD provides access to a customer (fig.2-4; col.7, lines 23-25, 50-65) and wherein the ACD includes:

- a processor (inherent for management model); and

- a database [i.e., memory] system coupled to the processor, wherein the memory system includes instructions executable by the processor (page 4, paragraphs 0086, 0099).

Regarding claim 20, Edinger in view of Thomson further in view of Applicant's admitted prior art does not specifically teach "the ACD includes a server". Thomson teaches that the ACD includes a server (page 7, paragraphs 0093, 0094, 0097, 0098). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger in view of Thomson further in view of Applicant's admitted prior art to have the ACD including a server as taught by Thomson. The motivation for the modification is to have doing so in order to handle request from a customer.

Regarding claim 21, Edinger teaches that the ACD includes access to a plurality of databases (page 2, paragraph 0027, page 4, paragraph 0099).

Regarding claim 22, Edinger teaches an agent's desktop, wherein the agent's desktop is linked to the ACD (page 4, paragraph 0098).

Regarding claim 23, Edinger teaches that the access to the customer includes a telephone interface (page 4, paragraph 0098).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edinger et al. in view of Thomson et al. further in view of Lawrence et al. (U.S. Patent No. 5,430,866).

Regarding claim 4, Edinger in view of Thomson does not specifically teach "a unit serial number, a host system serial number, a unit source and a unit part number". Lawrence teaches a unit serial number, a host system serial number, a unit source and a unit part number (fig.1, 2; col.4, lines 34-41, col.5, lines 9-11). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger in view of Thomson to incorporate a unit serial number, a host system serial number, a unit source and a unit part number as taught by Lawrence. The motivation for the modification is to provide detail information about the device to a support team so that the customer can get technical assistance for a particular device.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edinger et al. in view of Thomson et al. further in view of Hughes et al. (U.S. Patent No. 4,535,204).

Regarding claim 6, Edinger teaches that confirming the TSID includes a predetermined number of characters (page 3, paragraph 0040);

confirming the TSID matches at least one TSID entry in at least one of a plurality of databases (page 4, paragraph 0099); and

confirming the TSID matches inherently a predetermined format (page 4, paragraph 0099).

Edinger in view of Thomson does not specifically teach “confirming the TSID includes a correct checksum”. Hughes teaches confirming the TSID includes a correct checksum (fig.9; col.3, lines 62-64, col.13, lines 9, 10). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger in view of Thomson to confirm the TSID includes a correct checksum as taught by Hughes. The motivation for the modification is to have doing so in order to enable a check for a correct reading of a number.

8. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edinger et al. in view of Thomson et al. further in view of Weiss (U.S. Pub. No. 2002/0178364).

Regarding claims 16 and 19, Edinger in view of Thomson does not specifically teach “notifying an internal or an external entity for further investigation”. Weiss teaches notifying an internal or an external entity for further investigation (page 6, paragraph 0070). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Edinger in view of Thomson to notify an internal or an external entity for further investigation in Edinger’s invention in view of Thomson’s invention as taught by Weiss. The motivation for the modification is to prevent a different type of fraud.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Md. Shafiqul Alam Elahee

MD SHAFIUL ALAM ELAHEE

Examiner

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July 22, 2007